

This month's Daf Digest is dedicated
L'ilui Nishmas Yosef ben Chaim haKohen Weiss (8 Elul) & Mrs. Yenta Weiss, Rivke Yenta bas Asher Anshel (13 Elul)
Family Weiss, London

OVERVIEW of the Daf

1) One who betroths with a stipulation and marries without a stipulation (cont.)

Abaye concludes his third challenge against Rabbah's understanding of a dispute between Rav and Shmuel.

The challenge is answered.

R' Acha bar Yaakov cites R' Yochanan who explains the dispute between Rav and Shmuel along the same lines as did Rabbah.

R' Acha the son of R' Ika challenges his uncle, R' Acha bar Yaakov, from a Baraisa.

R' Acha bar Yaakov responds to the challenge against his explanation.

This answer is unsuccessfully challenged.

2) Betrothing a woman with a loan

R' Elazar is quoted as ruling that one who betroths with a loan, with a stipulation or with less than a perutah and then had relations, a **ט** is required.

R' Ami is cited as issuing a similar ruling pertaining to less than a perutah from which one can infer that in the other two cases a **ט** is not required.

The rationale behind R' Ami's position is explained.

R' Kahana in the name of Ulla rules that a **ט** is required for a man who betrothed with a stipulation and then had relations.

This ruling is understood to be against a ruling cited in the name of R' Yishmael.

3) Having vows annulled and wounds healed

A Baraisa rules that in a case where the man stipulated

(Continued on page 2)

Distinctive INSIGHT

Nullifying the oaths and curing the blemishes

מה בין חכם לרופא, חכם עוקר את הנדר מעיקרו, ורופא אינו מרפא אלא מכאן ולהבא

The system of "releasing oaths—התרת נדרים" is that a sage (חכם) can listen to the one who took the oath and then determine whether the explanation he gives for regretting ever having taken the oath is a valid one. The wise man can serve in the capacity to cancel the oath on his own, or, in the absence of a single qualified judge, three amateur judges (הדיוטות) can serve as a panel to cancel the oath.

Rashi explains that when the oath is determined to be cancelled, it is cancelled retroactively, and it is considered as if it never existed. If the husband had given the kiddushin on the condition that the woman not have oaths at that time, and the oaths she had are later reversed due to התרה, the oaths are removed and the kiddushin is now viewed as being valid.

When a man presents kiddushin on the condition that the woman not have any blemishes, and it turns out that she had blemishes, the kiddushin is obviously nullified. If the woman visits a doctor, and he is able to cure the woman of her blemishes, they are not cured retroactively, but rather only from this moment and beyond. At the moment of kiddushin, the blemishes were still there, and the kiddushin is therefore not valid even after she is healed.

We see that, according to Rashi, the determining factor in the validity of the kiddushin is a function of the husband's condition about the woman's status at the moment of kiddushin.

Tosafos (ד"ה חכם), however, learns that the difference between the husband's statements concerning oaths or blemishes is to what extent he cares about the issue involved. If the woman had blemishes, even if they are later cured, the husband was particular that these defects not have been there at the moment of kiddushin, and we know that they were present. This is why the kiddushin is not valid even if she is later healed. In regards to oaths, however, the husband only cares that the woman not be bound by these artificial restrictions. Once they are lifted through the oaths being nullified, the husband is satisfied, and the kiddushin is valid. ■

REVIEW and Remember

1. What is a mistaken chalitza?

2. Is any validity assigned to a kiddushin done with less than a perutah?

3. What is the mechanism that allows a scholar to release someone from their vow?

4. What is the dispute between R' Meir and R' Elazar?

HALACHAH Highlight

Full disclosure

אין אדם רוצה שתתבזה אשתו בבית דין

A man does not want his wife to be disgraced in Beis Din

A common question that arises in the context of shidduchim is whether or not one is obligated to disclose all information related to one's past even when it is unflattering and may potentially end a possible shidduch. There was once a girl from a prominent family who was seduced when she was a young girl. This incident led her into a period of a few years of severe depression and she even became suicidal. After some years of therapy, her condition improved and the doctor recommended that she get married. Needless to say this young woman was embarrassed about her past and there was a concern that if, by disclosing her history she would not get a shidduch, this could lead her back into depression and perhaps awaken her suicidal tendencies. The question was whether or not she is obligated to disclose her history or due to the circumstances and the potential damage that could occur, is it permitted to withhold this information? Rav Yekusiel Yehudah Halberstam¹, the Klausenberger Rebbe, addressed the matter from a number of different perspectives and in the end decided that in that particular circumstance it was permitted to withhold the information. The basis of his lenient ruling was that withholding this information could potentially save her life and we could assume that her husband would waive his hesitations in

(Overview. Continued from page 1)

that his wife should have no vows or wounds and after the betrothal she has her vows released the betrothal is valid, but if she went to a doctor and was healed the betrothal is invalid.

A second Baraisa is cited that rules that the betrothal is invalid even when she is released from her vows.

Rabbah answers the contradiction by distinguishing between the opinions of R' Meir and R' Elazar.

The Mishnah that presents the dispute between R' Meir and R' Elazar is cited.

The Gemara, tangentially, explains the rationale behind R' Yehudah's position. ■

order to save her life.

Rav Moshe Feinstein² was also asked a similar question from a girl who was promiscuous when she was younger but had subsequently done teshuvah and was now looking to marry a religious boy. Rav Moshe ruled that she must disclose the information but added that she is not obligated to, and, in fact, it is prohibited to disclose the information immediately. Rather, she should go out the first few dates without raising the issue and then when she knows that he is interested in possibly marrying her should she tell him about what happened. Furthermore, he instructed her to present it in a way that clearly indicates that it was a terrible mistake on her part and that it is not characteristic of her behavior to alleviate the fear her potential husband may have in marrying this girl. ■

1. שו"ת דברי יציב אה"ע ס"י ט"ו.

2. שו"ת אג"מ ארו"ח ח"ד ס"י ק"יח. ■

STORIES Off the Daf

Sensitivity Training

דאמר אדם רוצה שתתבזה אשתו בבין דין

On today's daf we find a difference of opinions among the Chachomim as to whether a man will mind seeing his wife shamed in Beis Din in order to annul a vow so that they can preserve their marriage. In this particular case, one would say that the ends justifies the means; however the question of whether one Jew can tolerate another being shamed can have broad repercussions in other areas of interpersonal relations. Sometimes, a person's self-interest is so great that he has no sensitivity whatsoever to the damage he can cause by shaming another.

There were once two shoemakers

who lived in the same town. Fortune shined on one of them and he eventually became very wealthy. His fellow craftsman, on the other hand, lived the life of a simple cobbler of the late 1800's in eastern Europe. Unfortunately, the poor shoemaker was filled with envy for the wealthier man and decided that a good public roasting would even the score between them. However, this is not as easy accomplished as it might sound. A poor man cannot effectively embarrass a wealthy man easily, since the wealthier person can simply ignore the poor man. Not only would the poor man fail to achieve his objective, he would effectively highlight the great difference in their social positions. So the poor shoemaker waited quietly for the perfect opportunity to ensure that his barb would hit home.

Eventually, the wealthy man's daugh-

ter became engaged to be married to a son of one of the most prominent families in the town. At the wedding, as the wealthy shoemaker was escorting the chosson to the chuppah, the poor shoemaker struck. In front of all the guests, he approached the wealthy man with a broken shoe in hand and barked, "So how much do you take to fix this sole?" The בעל שמחה was so mortified that he fell into a fit, and died then and there.

Although Rav Yisrael Salanter, ז"ל, initially wished to be a פרוש, an ascetic, who would serve Hashem by separating himself from others and performing his service in seclusion, this incident caused him to change direction. After hearing about how low a person can go when his self-interest blinds him to the damage shaming another will cause, he resolved to begin the Mussar movement. ■